

REMARKS

Claims 1-14 are currently pending in the application. By this response, no claims are amended, added, or canceled. Applicants respectfully request reconsideration in view of the following remarks.

Interview Summary

Applicants appreciate the courtesy extended by Examiner Kiliman in the telephone interview between the Examiner and Applicants representative on March 1, 2007. In the interview, the Office Action dated February 9, 2007 was discussed. More particularly, Applicants representative inquired as to the assertion that the Request for Reconsideration dated November 15, 2006 was not fully responsive to the previous Office Action (see page 3 of the Office Action dated February 9, 2007). The Examiner agreed that the only issue currently present in the application is the provisional double patenting rejection, and that the Request for Reconsideration dated November 15, 2006 appears, upon further consideration, to be fully responsive to the previous Office Action. The Examiner suggested responding to the outstanding Office Action dated February 9, 2007 by summarizing the telephone conversation and repeating the previously set forth arguments.

Provisional Double Patenting Rejection

Claims 1-14 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of copending Application No. 10/932,337. This rejection is respectfully traversed.

Applicants note that this is a provisional double patenting rejection that is based upon an application that is still pending (*i.e.*, not patented). Since there are no other rejections identified by the Examiner with regard to the instant application, Applicants respectfully submit that the provisional double patenting rejection must be withdrawn. MPEP §804 states:

The “provisional” double patenting rejection should continue to be made by the examiner in each application as long as there are conflicting claims in more than one application unless that “provisional” double patenting rejection is the only rejection remaining in at least one of the applications.

Because the provisional double patenting rejection is the only rejection remaining in the instant application, the provisional double patenting rejection should be withdrawn and the instant application permitted to issue as a patent.

As Applicants have addressed herein all of the issues presented in the Office Action dated February 9, 2007, Applicants submit that this response is fully responsive to the Office Action dated February 9, 2007.

Accordingly, Applicants respectfully request that the provisional rejection over claims 1-14 be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 19-0089.

Respectfully submitted,
Frank OLDORFF

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', written over a horizontal line.

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March 12, 2007
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